

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICHARD A. GRISWOLD,

Petitioner,

vs.

JIM PILLEN,

Respondent.

8:24CV116

MEMORANDUM AND ORDER

This matter is before the Court on the Request for an Evidentiary Hearing, [Filing No. 19](#), filed by Petitioner on January 23, 2025, and Notice of Appeal, [Filing No. 20](#), filed on January 31, 2025. For the reasons stated in the Court's Memorandum and Order dated January 21, 2025, [Filing No. 17](#), Petitioner's Request for an Evidentiary Hearing is denied.

Petitioner also appeals from the Court's Memorandum and Order and Judgment dated January 21, 2025, [Filing Nos. 17 & 18](#), in which the Court dismissed his habeas petition without prejudice. The Clerk of the Court submitted a memorandum requesting a ruling as to Petitioner's authorization to proceed in forma pauperis on appeal. [Filing No. 21](#).

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma

pauperis and states in writing its reasons for the certification or finding

The Court finds that because Petitioner proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED:

1. Petitioner's Request for an Evidentiary Hearing, [Filing No. 19](#), is denied.
2. Petitioner may proceed on appeal in forma pauperis.

Dated this 4th day of February, 2025.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Judge